IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.151 OF 2006

IN

SUMMARY SUIT NO.2087 OF 2005

...

Emirates Islamic Bank ...Plaintiff

v/s.

State Bank of India ...Defendant

...

Mr.J.P.Sen i/b FZB Associates for the Plaintiff.

Mr.Z.Andhyarjunia i/b Little & Co. for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 7TH AUGUST, 2006

P.C.:

The Plaintiff bases its claim on a guarantee which according to the Plaintiff has been given by the Defendant. But according to the Plaintiff it has

already obtained a judgment from the Foreign Court on the basis of that guarantee. The question therefore arises is, whether that guarantee is available for the Plaintiff to institute again a suit on the basis of the same guarantee, once the judgment and decree in terms thereof is made by the Foreign Court. In such situation, in my opinion, it will not be appropriate to pass a decree in favour of the Plaintiff in summary jurisdiction. Defendant, therefore, will have to give leave to defend the suit. Summons for judgment disposed of. Defendant is granted unconditional leave to defend the suit. Suit be transferred to commercial cause list. Written statement to be filed within a period of eight weeks from today.

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